

REMARKS

In the Office Action mailed on March 9, 2005, the Examiner rejected claims 35, 44, and 45 under 35 U.S.C. §102(b) as anticipated by Thakur et al., but we note with appreciation the Examiner's conclusion that claims 39 and 40 contain allowable subject matter. We herein amend claim 35; support for the amendment may be found at least at page 2, lines 11-13 and page 4, line 7 to page 5, line 22 of the specification.

Thakur et al. concerns management of strain in silicon nitride masks. Grading the silicon content in such a mask is said to diminish the stress caused by the mask (col. 1, lines 63-64). In one example, cited by the Examiner, the patent states that "[t]he stress exerted by the silicon nitride can be varied between tensile and compression modes" by forming the structure "with adjacent layers of silicon nitride ... having different silicon concentrations, and thus opposing stresses." Col. 3, lines 59-66. "As a result," the patentees conclude, "the opposing stresses of the adjacent silicon nitride 107 layers will tend to diminish the effective stress of the silicon nitride structure[.]" Col. 3, line 66 to col. 4, line 1.

The present invention concerns strain in *semiconductor* structures, as emphasized by the amendment to claim 35. In particular, the graded material is a semiconductor. Silicon nitride, by contrast, is not a semiconductor and therefore fails to fulfill the limitations of the amended claim. Indeed, in the Thakur et al. patent, silicon nitride is used as masking material.

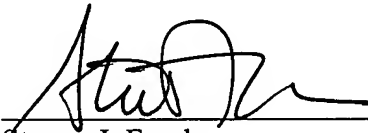
CONCLUSION

In light of the foregoing, we submit that all pending claims are now in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

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Reg. No. 33,497

Tel. No.: (617) 570-1241
Fax No.: (617) 523-1231



Steven J. Frank
Attorney for the Applicants
Goodwin | Procter LLP
Exchange Place
Boston, Massachusetts 02109